

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

RYAN HYSELL and CRYSTAL HYSELL, :
on behalf of their daughter, A.H.,
a minor, :

Plaintiffs, :

v. : **Case No. 5:18-cv-01375**
Hon. Judge Frank W. Volk

RALEIGH GENERAL HOSPITAL, :
COMMUNITY HEALTH SYSTEMS, INC.,
D/B/A ACCESS HEALTH, DEBRA :
CROWDER, CNM, and
THE UNITED STATES OF AMERICA, :

Defendants.

**DEFENDANT, RALEIGH GENERAL HOSPITAL'S,
MOTION TO EXTEND DEADLINE FOR FILING OF POST-TRIAL MOTIONS**

Comes Now Defendant, Raleigh General Hospital, D.C. Offutt, Jr., Jody Simmons, Mark R. Simonton and the law firm of Offutt Nord, PLLC, and C.J. Gideon, Bryan Essary and the law firm of Gideon, Essary, Tardio & Carter, PLC, and hereby moves this Court for the entry of an Order extending the deadline for the filing post-trial motions. In support of the foregoing motion, Raleigh General Hospital states as follows:

1. On June 15, 2021, this Court entered an *Order* [ECF No. 291] setting forth a briefing schedule for the anticipated forthcoming post-trial motions. Such *Order* set forth, *inter alia*, a June 25, 2021 deadline for the filing of the official transcript and a July 9, 2021 deadline for the filing of post-trial motions.

2. However, just two days ago, on July 6, 2021, this Court entered an *Order* [ECF No. 303] directing that the transcript of the testimony of Jerome Barakos, M.D. that was received into evidence and considered by the jury in accordance with this Court's instructions at the trial of this matter be interested into the official trial transcript where it is referenced as having been taken.

3. Prior to the entry of the *Order* [ECF No. 303] regarding Dr. Barakos' testimony, and continuing at the time of the instant filing, counsel for Raleigh General Hospital has dedicated, and continues to dedicate, substantial efforts toward preparing Raleigh General Hospital's post-trial motions for filing in accordance with this Court's initial *Order* [ECF No. 291]. However, the inclusion of Dr. Barakos' deposition testimony into to official transcript has resulted in the need for the renumbering of a substantial portion of the official trial transcript and, at the time of the filing of the instant motion, a revised and finalized trial transcript (that includes Dr. Barakos' testimony) has not yet been received.

4. Accordingly, Raleigh General Hospital asserts that good cause exists for extending the deadline for the filing of post-trial motions by seven (7) days in order to permit counsel sufficient time to obtain the revised and finalized official trial transcript and to finalize Raleigh General Hospital's post-trial motions utilizing such transcript. Raleigh General Hospital also asserts that a commensurate extension should also be provided for Plaintiffs' responses to its forthcoming post-trial motions.

5. Given that the slight extension requested will result in Raleigh General Hospital's post-trial motions accurately referencing the official trial transcript and thus better permit this Court to analyze and consider such motions, and will not in any way substantially prejudice any other party to this action, such an extension is warranted.

WHEREFORE, for the aforementioned reasons, Raleigh General Hospital respectfully requests that this Court grant the foregoing motion and extend the deadline for the filing of post-trial motions by seven (7) days in order to ensure that the finalized official trial transcript is available, along with providing an commensurate extension of time for Plaintiffs' responses to those post-trial motions, and further grant it any and all other relief that this Court deems just and proper

RALEIGH GENERAL HOSPITAL,

By Counsel:

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CERTIFICATE OF SERVICE

I, Mark R. Simonton, counsel for Defendant, Raleigh General Hospital, do hereby certify that a true and exact copy of the foregoing, “*Defendant, Raleigh General Hospital’s, Motion To Extend Deadline For Filing of Post-Trial Motions*” has been served upon counsel of record via electronic filing through the Court’s ECF system, this 8th day of **July, 2021** which shall send notice of the same to the following:

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